

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
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Madison WI 53707-7921

Scott Walker, Governor  
Cathy Stepp, Secretary  
Telephone 608-266-2621  
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Ms. Tinka Hyde, Director, Water Division  
U.S. EPA, Region 5  
77 W. Jackson  
Chicago, IL 60604

Subject: Request for Approval of a Variance from Water Quality Standards for Mercury  
Receiving Stream: Mouth of the Lower Fox River  
Permittee: Wisconsin Public Service Corporation – J.P. Pulliam Generating Station -  
WPDES Permit No. WI-0000965-09-0

Dear Ms. Hyde:

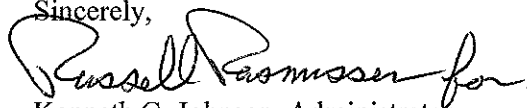
In accordance with § 283.15 of the Wisconsin Statutes and Chapter 40, Part 131 of the Code of Federal Regulations, the Department requests U.S. EPA, Region 5 to approve a water quality standards variance for the above-referenced discharge. The water quality criterion for which the permittee is seeking a variance is contained in chapter NR 105, Wisconsin Administrative Code.

To assist your staff during their review, relevant background information pertaining to this variance is attached to this letter. The proposed permit was publicly noticed on February 20, 2012. The comment period has now ended. Some comments were received on the draft permit relating to the proposed variance.

We are committed to working with the permittee during the term of this variance to find a solution that will lead toward full compliance with the applicable water quality standard. Conditions on the variance, to be included in the WPDES permit, specify actions to be taken by the permittee and timetables for those actions.

We appreciate your consideration of this request. Should you have further questions regarding this matter, please contact Nile Ostenso at 608-266-9239.

Sincerely,

  
Kenneth G. Johnson, Administrator  
Water Division

DATED:

6/4/2013

Attachment

e-cc

Susan Sylvester - WT/3  
David Pfeifer - EPA, Region 5  
Diane Figiel – WT/3

Gary Kincaid - NER / Green Bay  
Water Evaluation - WT/3  
Robin Nyffeler – LS/8

## **BACKGROUND INFORMATION REGARDING WATER QUALITY STANDARDS VARIANCE**

Receiving Stream: **Mouth of the Lower Fox River, Brown County**

Receiving Stream Classification: **Full Fish & Aquatic Life, Public water supply**

Permittee Name: **Wisconsin Public Service Corporation, J.P. Pulliam Generating Station**

WPDES Permit No. : **WI-0000965-08-0**

Substance: **Total Recoverable Mercury**

Criterion: **1.3 ng/L (wildlife)**

Water Quality Based Effluent Limit: **1.3 ng/L as a monthly average**

Existing Permit Limit: **no limit**

Permit Limit Based on Proposed Variance: **48 ng/L as a daily maximum**

Duration of Variance: **From the date of permit reissuance through the proposed permit expiration date of June 30, 2018 the limit of 48 ng/L would be in effect as a variance limit.**

Department Rationale for Approving Variance: **See Attached Justification**

Conditions to be Included in WPDES Permit: **See Attached Draft Permit being sent to EPA in Electronic Format**

List of Supporting Documents Attached:

### **Certification from DNR Chief Legal Council**

#### **Documents Being Sent Electronically to David Pfeifer**

- **Justification for Alternative Mercury Effluent Limitation – Dated February 20, 2013 (See Permit Fact Sheet)**
- **Environmental Impacts Evaluation – February 20, 2013 (See Permit Fact Sheet)**
- **Public Notice of Intent to Reissue the Permit and Approve a Variance**
- **Draft Permit and Public Information Form (the Permit Fact Sheet)**
- **Water Quality Based Effluent Limitation Evaluation Documents (See Permit Fact Sheet)**
- **Draft Notice of Final Determination**
- **Copy of Comments**
- **Data (See Permit Fact Sheet-WQBEL)**

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